UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,636	09/26/2003	Shabbir A. Khakoo	633-040US	8093

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EXAMINER
BATES, KEVIN T

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

	Application No.	Applicant(s)
Office Action Summary	10/672,636	KHAKOO ET AL.
	Examiner	Art Unit	
	KEVIN BATES	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 July 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-13,19-21 and 23-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-13,19-21 and 23-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication received on July 22, 2010.

Claims 1-3, 5-13, 19-21, and 23-25 are currently pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-13, 19-21, and 23-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Appelman (WO 03/098425) in view of Armstrong

(6,807,423).

Regarding claims 1 and 19, Appelman teaches a method for delivering an email

message to a recipient, comprising:

receiving the email message from a sender (Page 19, lines 14-15);

obtaining a presence status of the sender from a presence server (Page 20, lines

17-22; Page 21, lines 4-7; 29-31), wherein the presence status indicates a presence

status of the sender across a plurality of domains (Page 21, lines 29-31); and

delivering the email message to the recipient with an indication of a presence of

the sender (Page 2, lines 8-14) on one or more of the plurality of domains (Page 21,

lines 29-31)

wherein the presence server determines the presence status of the sender based on one or more rules that aggregate extracted presence information (Page 22, lines 13-19).

Appelman does not explicitly indicate wherein the presence server determines the presence status of the sender based on a rule that aggregates at least two items of presence information that are conflicting with each other.

Armstrong teaches wherein the presence server determines the presence status of the sender based on a rule that aggregates at least two items of presence information that are conflicting with each other (Col. 4, line 49 – Col. 5, line 9; Col. 6, lines 48 – 61; Col. 7, lines 4 – 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Armstrong's teaching of aggregated status to have a more intelligent complete presence information to provide to the users in Appelman's sytem.

Regarding claims 2 and 20, Appelman teaches the method of claims 1 and 19, wherein the presence server extracts presence information from a plurality of presence data stores (Page 20, lines 17-22).

Regarding claims 3 and 21, Appelman teaches the method of claims 2 and 20, wherein the presence server translates the presence information to a standard format (Figure 11a).

Regarding claims 5 and 23, Appelman teaches the method of claims 1 and 19, wherein the recipient responds to the sender in another domain (Page 21, lines 29- 31).

    Regarding claims 6 and 24, Appelman teaches the method of claims 1 and 19, wherein the presence information indicates if the message sender can be reached at one or more indicated devices (Page 21, lines 29-31).

    Regarding claim 7, Appelman teaches the method of claim 1, wherein the presence information is obtained from a user registration process (Page 22, lines 8-11).

    Regarding claim 8, Appelman teaches the method of claim 1, wherein the presence information is obtained by observing activities of a user (Page 22, lines 8-11).

    Regarding claim 9, Appelman teaches the method of claim 1, wherein the recipient can respond to the sender in real time (Page 21, lines 29-31).

    Regarding claim 10, Appelman teaches the method of claim 1, wherein the recipient can respond to the sender in non-real time (Page 21, lines 29-31).

    Regarding claims 11 and 25, Appelman teaches the method of claims 1 and 19, wherein the recipient can respond to the sender using a non-textual form of communication (Page 21, lines 29-31).

    Regarding claim 12, Appelman teaches the method of claim 1, wherein the plurality of domains is a plurality of client domains (Page 21, lines 29-31).

    Regarding claim 13, Appelman teaches the method of claim 1, wherein the plurality of domains is a plurality of server domains (Page 24, lines 3-17).

Response to Arguments

    Applicant's arguments filed July 22, 2010 have been fully considered but they are not persuasive.

The applicant argues that the combination of Appelman and Armstrong does not teach the aggregation of rules which conflict to determine presence. The examiner disagrees, Armstrong teaches monitoring all types of presence information and determining based on priorities which presence data rules apply in the situations no matter which presence information is available. See Col. 5, lines 3 – 9; col. 7, lines 4 – 19. This priority setting lets the system aggregate the presence information and applies the desired presence rules no matter whether the raw presence data conflicts with those rules or not. As result, Armstrong teaches the concept of aggregation of conflicting presence data and rules.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/
Primary Examiner, Art Unit 2456